PUBLIC NOTICE

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CONSUMER & GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON TERMINATION OF CERTAIN PROCEEDINGS AS DORMANT

CG Docket No. 14-157

Comment Date: (30 days after date of publication in the Federal Register).
Reply Comment Date: (45 days after date of publication in the Federal Register).

By this Public Notice, the Consumer & Governmental Affairs Bureau ("CGB") seeks comment on whether certain docketed Commission proceedings should be terminated as dormant (Attachment).

By Report and Order released on February 4, 2011,[1] the Commission revised portions of its Part 1 practice and procedural rules and its Part 0 organizational rules to increase the efficiency of Commission decision-making, modernize the agency's processes in the digital age and enhance the openness and transparency of Commission proceedings for practitioners and the public.[2] The revised rules delegate authority to the Chief, CGB to periodically review all open dockets and, in consultation with the responsible Bureaus or Offices, to identify those dockets that appear to be candidates for termination.[3] The Commission stated that these candidates may include dockets in which no further action is required or contemplated as well as those in which no pleadings or other documents have been filed for several years,[4] but it specified that proceedings in which petitions addressing the merits are pending should not be terminated, absent the parties' consent.[5] The termination of a dormant proceeding also includes dismissal as moot of any pending petition, motion, or other request for relief that is procedural in nature or otherwise does not address the merits of the proceeding.[6] Following these procedures, by Order released on November 1, 2011, CGB terminated, as dormant, 999 docketed proceedings.[7]

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[1] Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization, Report and Order, 26 FCC Rcd 1594 (2011) (*Procedure Order*).

[2] *Id.*at1594-95, para. 1.

[3] *Id.*at1604, para. 23.

[4] *Id.* This Public Notice addresses open proceedings in which no action has been taken or pleading filed since December 31, 2008, or in which no further action is required or contemplated. The record in a terminated docket remains part of the Commission's official records, and the various pleadings, orders, and other documents in that docket will continue to be accessible to the public, post-termination.

[5] *Id*.

[6] *Id*. at 1604, para. 24.

[7] *Termination of Certain Proceedings as Dormant,* Order, 26 FCC Rcd 15312 (CGB 2011) ("*First Dormant Proceedings Termination Order*").

In the *Procedure* Order, the Commission directed that a public notice, identifying dockets under consideration for termination and affording interested parties an opportunity to comment, should be issued before terminating a proceeding. On February 15, 2012, CGB released the *Dormant Proceedings Termination Public Notice*,[8] listing open dockets under consideration for termination. On September 27, 2012, CGB released an Order in which it terminated as dormant the proceedings listed on the Attachment thereto.[9] Similarly, on June 30, 2014, CGB released the *Third Dormant Proceedings Termination Public Notice*, listing open dockets under consideration for termination.[10] On September 15, 2014, CGB released an Order in which it terminated, as dormant, 645 docketed proceedings.[11] Termination of the proceedings in the *Second Dormant Proceedings Termination Order* and *Third Dormant Proceedings Termination Order* furthered the Commission's organizational goals of increasing the efficiency of its decision-making, modernizing the agency's processes in the digital age, and enhancing the openness and transparency of Commission proceedings for practitioners and the public. Upon publication of the *Third Dormant Proceedings Termination Order* in the Federal Register, the proceedings will be terminated in the Electronic Comment Filing System (ECFS). The records in terminated proceedings remain part of the Commission's official records, and the various pleadings, orders, and other documents in these dockets continue to be accessible to the public, post-termination.

CGB, in coordination with the responsible Bureaus and Offices has once again identified dockets for possible termination.[12] By this fourth *Dormant Proceedings Termination Public Notice*, CGB hereby seeks comment from interested parties on the possible termination of the proceedings listed in the Attachment. To the extent that a particular proceeding includes a petition addressing the merits or other pending pleadings, a party's failure to file comments in response to this Public Notice will be construed as consent to termination of that proceeding. A party aggrieved by a docket termination may file a petition for reconsideration with CGB or an application for review with the full Commission.[13]

Procedural Matters

Comments and Reply Comments. Pursuant to sections 1.415 and 1.419 of the Commission's rules,[14] interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS); or (2) by filing paper copies. All filings should reference the docket number of this proceeding, CG Docket No. 14-157.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: http://fjallfoss.fcc.gov/ecfs2/. Filers should follow the instructions provided on the website for submitting comments. In completing the transmittal screen, ECFS filers should include their full name, U.S. Postal Service mailing address, and CG Docket No. 14-157.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first

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[8] *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 27 FCC Rcd 1613 (CGB 2012) ("*Second Dormant Proceedings Termination Public Notice*").

[9] *Termination of Certain Proceedings as Dormant*, Order, 27 FCC Rcd 11284 (CGB 2012) ("*Second Dormant Proceedings Termination Order*").

[10] *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 29 FCC Rcd 1604 (CGB 2014) ("*Third Dormant Proceedings Termination Public Notice*").

[11] *Termination of Certain Proceedings as Dormant*, CG Docket No. 14-97, Order (rel. Sept. 14, 2014) ("*Third Dormant Proceedings Termination Order*").

[12] The list of proceedings is sorted by responsible Bureau or Office and Proceeding Number.

[13] *See Procedure Order*, 26 FCC Rcd at 1604, para. 24, n.76.

[14] 47 C.F.R. §§ 1.415, 1.419.

class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes or boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

Accessibility Information. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

The comments and reply comments filed in response to this Public Notice will be available via ECFS at: http://fjallfoss.fcc.gov/ecfs2/; you may search by the docket number (CG Docket No. 14-157).

Comments are also available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, e-mail FCC@BCPIWEB.com.

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[15] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Additional Information. For further information, contact Gayle Radley Teicher of the Consumer & Governmental Affairs Bureau, at (202) 418-1515, Gayle.Teicher@fcc.gov.

By the Acting Chief, Consumer & Governmental Affairs Bureau

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[15] *See* 47 C.F.R. §§ 1.1200 *et seq*.

ATTACHMENT